

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARTY ROBERT BEGAY,

Plaintiff,

v.

No. CV 13-0515 LH/WPL

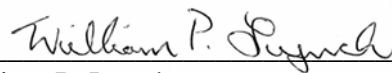
DWAYNE SANTISTEVAN, et al.,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court on Plaintiff's response (Doc. 5) to an earlier order (Doc. 4) that granted him leave to proceed under 28 U.S.C. § 1915 and required the statutory initial partial payment towards the filing fee. *See* § 1915(b)(1). Plaintiff asks that he be excused from making the initial payment. His financial information indicates that he had adequate pre-filing deposits in his inmate account but depleted the account, largely on commissary purchases, and has made no payment. There is no constitutional violation in requiring an inmate to choose between prison purchases and litigation. *See Shabazz v. Parsons*, 127 F.3d 1246, 1248-49 (10th Cir. 1997). Failure to submit the initial partial payment within thirty (30) days from the date of this order may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that, within thirty (30) days from entry of this Order, Plaintiff submit the previously ordered payment of \$10.61 or show cause, if any, why his complaint should not be dismissed.



William P. Lynch
United States Magistrate Judge